

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

*1913*

Including Acts and Resolves of the Special Session held  
in 1912.

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Published by the Secretary of State, agreeably to Resolves of  
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth  
Legislature

***1913***

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**CHAP. 121** places in said town at least seven days before the time of holding said meeting.

Property of Connor Plantation vested in town of Connor.

Support of paupers, chargeable to town.

—exception.

Section 4. All property now belonging to Connor plantation shall belong to, and the title thereof is hereby vested in the town of Connor.

Section 5. The persons hereafter becoming chargeable as paupers within the limits of said town shall be chargeable to said town of Connor, excepting those who are now state paupers.

Approved March 18, 1913.

## Chapter 121.

An Act to Incorporate the Madison Water District.

*Be it enacted by the People of the State of Maine, as follows:*

Corporate name.

—purpose.

—proviso.

May take water from Kennebec river and from certain ponds.

May take and hold lands.

—or water rights, etc.

Section 1. The territory and people thereon comprising Madison Village Corporation in the town of Madison shall constitute a body politic and corporate under the name of the Madison Water District, for the purpose of supplying the inhabitants of said district and of the towns of Madison, Anson and Embden, or parts thereof, and all of said municipalities with pure water for domestic, sanitary, manufacturing and municipal purposes. Provided, however, that the territory and people in the town of Anson constituting what was formerly school district number thirteen in said town may and shall become a part of said water district to all intents and purposes, provided a majority of the legal voters residing within the limits of said school district number thirteen shall at a legal meeting, regularly called for the purpose as hereinafter provided, vote so to do.

Section 2. Said district is hereby authorized for the purposes aforesaid to take, hold, divert, use and distribute sufficient water of the Kennebec river, Madison pond or Hayden lake, so called, Embden pond, or of any of their tributary lakes or streams.

Section 3. The said district for the purposes of its incorporation is hereby authorized to take and hold as for public uses, by purchase or otherwise, any land or interest therein, or water rights and mill privileges necessary for erecting and maintaining dams for flowage, for power, for reservoirs, for pumping its water supply through its mains, for preserving the purity of the water and water shed, for laying and maintaining pipes, aqueducts and other structures for taking, distributing, discharging and disposing of water, and for rights of way or roadways to its source or sources of supply, dams, power-stations, reservoirs, mains, aqueducts, structures and lands.

Section 4. If any person sustaining damages by any taking as aforesaid, shall not agree with said district upon the sum to be paid therefor, either party, upon petition to the county commissioners of the county where said lands or water rights are situated, may have said damages assessed by them; the procedure and all subsequent proceedings and right of appeal thereon shall be had under the same restriction, conditions and limitations as are or may be by law prescribed in the case of damages by the laying out of highways.

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Damages for taking of lands, etc., how assessed.

Section 5. Said district is hereby authorized to lay in and through the streets, roads, ways and highways thereof and of the towns of Madison, Anson and Embden, and to take up, repair and replace all such pipes, aqueducts and fixtures as may be necessary for the objects herein set forth. And whenever said district shall lay any pipes in any street, road, way or highway, it shall cause the same to be done with as little obstruction as practicable to the public travel, and shall, at its own expense, without unnecessary delay, cause the earth and pavement removed by it to be replaced in proper condition.

May lay pipes, etc.

—shall not unnecessarily obstruct public travel.

Section 6. In case of any crossing of a railroad, unless consent is given by the company owning or operating such railroad as to place, manner and conditions of the crossing, within thirty days after such consent is requested by said district, the railroad commissioners shall determine the place, manner and condition of such crossing; and all work within the limits of such railroad location shall be done under the supervision and to the satisfaction of said railroad company, but at the expense of said district.

May request R. R. com'rs to determine the place and manner of crossing any railroad.

Section 7. All the affairs of said district shall be managed by a board of trustees of three members to be elected by a plurality vote of the legal voters within said district at an election to be specially called and held within thirty days after the approval of this act by the legal voters of said district. Such special election shall be called, held and conducted in the same manners as meetings of Madison Village Corporation are now called and held. All records of the meetings and other business of the district shall be kept by the clerk of said Madison village corporation for the time being. The term of office of the trustees first chosen shall be considered to begin on the first Monday of July of the year of the acceptance of this act by said district. As soon as convenient after the members of said board have been chosen said trustees shall hold a meeting at some convenient place within said Madison Village Corporation and organize by the election of a president; adopt a corporate seal, and when necessary may choose a treasurer and all other

Board of trustees to be elected.

—records of meetings, by whom kept.

—term of trustees, when to commence.

—trustees shall elect president and other officials and adopt a seal.

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needful officers and agents for the proper conduct and management of the affairs of said district. At said first meeting they shall determine by lot the term of office of each trustee so that one shall serve for one year, one for two years, and one for three years; and whenever the term of office of a trustee expires his successor shall be elected by a plurality vote by the legal voters of said district for the term of three years; and in case any vacancy shall arise it shall be filled for the remainder of the year by appointment by the remaining members of the board of trustees, and at the next regular meeting of the district the vacancy shall be filled for the remainder of the term in the manner hereinbefore set forth. The assessors of Madison Village Corporation for the time being shall be eligible to election to the board of trustees, and treasurer of Madison Village Corporation shall be eligible to election as treasurer of said trustees or district. The trustees, treasurer and clerk shall receive for their services as such such compensation as the district by vote shall from time to time determine.

—tenure of trustees.

—vacancies, how filled.

—compensation of officers.

A part of town of Anson may become part of the water district.

—town of Anson may choose two trustees.

—when term of such trustees shall commence.

—joint board of trustees.

—tenure of trustees chosen by town of Anson.

—vacancies, how filled.

Provided, however, that if that part of Anson formerly comprising school district number thirteen in said town shall by a majority of the legal voters of said district, at a meeting specially called and held for the purpose on or before the first Monday of July, one thousand nine hundred and fourteen, vote to accept the provisions of this act, it shall thereby become a part of said water district and entitled to all its rights and privileges and subject to all the liabilities and obligations thereof, and in such case said part of said Anson shall have the right to and shall choose by a plurality vote two trustees to act with and become a part of the board of trustees as hereinbefore provided for the management of all of the affairs of said district. The term of office of such trustees first chosen shall be considered to begin on the first Monday of July, of the year of the acceptance of this act by said part of said district and, together with the three trustees chosen as hereinbefore set forth, form a joint board for the management of the affairs of said district and have a right to take a part in the organization and all of the meetings and business of said board. The two trustees first elected shall serve one for one year and one for two years, and annually thereafter at the regular annual meeting of the legal voters of that part of Anson constituting what was formerly school district number thirteen shall elect one trustee to serve for the term of two years. The two trustees first so elected shall decide by lot their respective terms of office. Any vacancy occurring in the terms of either of said two trustees shall be filled for the remainder of the term at a special meeting of the

legal voters of said part of said district in said Anson legally called and held. CHAP. 121

Said trustees may also ordain and establish such by-laws as are necessary for their own convenience and the proper management of the affairs of the district. At the close of each fiscal year the trustees shall make a detailed report of their doings, of the receipts and expenditures of said water district, of its financial and physical conditions, and of such other matters and things pertaining to said district as shall show to the inhabitants of said district a full and true standing of its conditions and how said trustees are fulfilling the duties and obligations of their trust. Said report shall be either written or printed for distribution to the inhabitants of said district. The books and accounts pertaining to the receipts and expenditures of money shall be audited by the auditor of Madison Village Corporation for the time being.

Trustees may establish by-laws.

—shall make report to inhabitants of district.

—books and accounts shall be audited.

Section 8. Said water district is hereby authorized and empowered to acquire by purchase or by the exercise of the right of eminent domain, which right is hereby expressly delegated to said district for said purpose, the entire plant, property, franchises, rights and privileges of the Madison Water Company and those of any other company organized or doing business within said district, except cash assets, including all lands, waters, water rights, dams, reservoirs, pipes, machinery, fixtures, hydrants, tools and all apparatus and appliances owned by said Madison Water Company or any other company organized or doing business in said district for said purpose and used or usable in supplying water in said district and towns, and any other real estate owned by said company or companies in said district.

Water district may acquire property of Madison Water Co.

Said water companies or any of them are hereby authorized to sell and transfer their franchises and properties to said water district.

Said water companies may sell their franchises.

Section 9. In case the said trustees fail to agree with said Madison Water Company and any other company organized or doing business in said district for said purpose upon the terms of purchase of the above mentioned rights and properties on or before the first Monday of September, one thousand nine hundred and fourteen, said water district through its trustees is hereby authorized and empowered to take such plant, property and franchises for public uses by petition therefor in the manner hereinafter provided. The said water district through its trustees is hereby authorized, on or before the eighth day of September, one thousand nine hundred and fourteen, to file a petition in the clerk's office of the supreme judicial court for the

Trustees may take said water companies after first Monday of September, 1914.

—shall file a petition.

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—notice shall be given.

—three appraisers shall be appointed.

—books and papers may be ordered into court.

—schedules, copies, statements, etc., to be filed upon motion of petitioner.

—justice may enforce orders.

county of Somerset, in term time or in vacation, addressed to any justice of said court, who, after notice to said Madison Water Company and its mortgagees, if any, and to any other company or companies organized and doing business for said purpose in said district, shall, after hearing, and within thirty days after the filing of said petition, appoint three disinterested appraisers, none of whom shall be residents either of the county of Somerset or Kennebec, one of whom shall be learned in the law, for the purpose of fixing the valuation of said plant or plants, property and franchises as described in section eight hereof. Said petition shall not be dismissed after filing but may and shall be amended in any manner required to enable the court to make all necessary decrees thereon. At the hearing aforesaid, such justice, upon motion of the petitioner, may order the production and filing in court, for the inspection of the petitioner, of all books and papers pertinent to the issue and necessary for a full understanding of the matter to be heard by said appraisers, the terms and conditions of so producing and filing such books and papers to be determined by said justice in his order therefor and to be enforced from time to time as any justice of said supreme judicial court, in term time or in vacation, upon motion of either party, may deem reasonable and proper in the premises. At such hearing, such justice upon motion of the petitioner, may fix a time at which the said water company or companies shall file in the clerk's office of the supreme judicial court for the county of Somerset, for the inspection of the petitioner, the following: First, schedules showing the names, residences and water service of all customers on the first day of July in the year of the acceptance of this act, with the rate charged therefor; second, copies of all contracts in force on said July first; third, an itemized statement of the gross income earned during its last complete fiscal year and all operating expenses and fixed charges, paid or incurred during such year and properly chargeable thereto; fourth, a memorandum of all real estate, water rights, or interest therein, owned or controlled on said July first, with such brief description thereof as will reasonably identify the same; fifth, brief descriptions, specifications and plans of all reservoirs, mains, pipes, service pipes, hydrants, gates, gate boxes, shut off boxes, fixtures and machinery and all the physical elements in such water system, giving in detail quantities, sizes, lengths, and specifying the streets, roads or ways where situated; sixth, an itemized list of all tools, apparatus, appliances and supplies used or usable in supplying water on said July first. Such orders may be enforced from time to time by any justice of said supreme judicial



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court, in term time, or in vacation, upon motion of either party, as such justice may deem reasonable and proper in the premises. At such hearing the justice then sitting may, upon motion of the petitioner, make all such decrees as he deems reasonable and proper to enable the petitioner, through its servants and employees, to ascertain the true condition of the mains and pipes of the said water company or companies, externally and internally, in the presence of the officers or agents of said water company or companies. The said appraisers shall have the power of compelling attendance of witnesses and the production of all books, accounts and papers pertinent to the issue and necessary for a full understanding by them of the matter in question, and may administer oaths; and any witness or person in charge of such books, accounts and papers refusing to attend or to produce the same shall be subject to the same penalties and proceedings, so far as applicable, as witnesses summoned to attend the supreme judicial court. Depositions may be taken as in civil actions. The appraisers so appointed shall, after due notice and hearing, fix the valuation of said plant or plants, property and franchises at what they are fairly and equitably worth, so that said water company or companies shall receive just compensation for all the same. The first day of July, one thousand nine hundred and fourteen, shall be the date as of which the valuation aforesaid shall be fixed, from which date interest on said award shall run, and all rents and profits accruing thereafter shall belong to said water district. The report of said appraisers or a majority of them shall be filed in said clerk's office in term time or in vacation, within six months after their appointment, but a further time, not exceeding four months, shall be granted for good cause, upon motion of either party, by any justice of the supreme judicial court within which said appraisers shall file their report, and such single justice, or in case of his inability to act, then any justice designated for the purpose by the chief justice may, after notice and hearing, confirm or reject the same, or recommit it or submit the subject matter thereof to a new board of appraisers, if justice shall require, and in case of such rejection, recommitment or resubmission such justice may fix the times for new hearings and new report thereon. The award of the appraisers shall be conclusive as to valuation. Upon the confirmation of said report, the court so sitting, shall thereupon, after hearing, make final decree upon the entire matter, including the application of the purchase money, discharge of incumbrances and transfer of property and franchises, jurisdiction over which is hereby conferred with the same power to enforce a decree as in equity cases. Upon

—justice may make decrees.

—appraisers may compel attendance of witnesses, etc.

—may administer oaths.

—depositions may be taken.

—date when valuation shall be fixed.

—report of appraisers, when to be filed.

—the justice may confirm, reject or recommit the subject matter.

—valuation fixed by appraisers shall be conclusive.

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—exceptions may be taken to findings of the justice.

—exceptions shall be claimed within ten days.

—exceptions shall be entered at next term of law court.

—court may confirm, reverse or modify decree.

request of either party the justice so making such final decree shall make separate findings of law and fact. All such findings of fact shall be final, but either party aggrieved may take exceptions to any rulings of law so made, the same to be accompanied only by such parts of the case as are necessary to a clear understanding of the questions raised thereby. Such exceptions shall be claimed on the docket within ten days after such final decree is signed, entered and filed, and notice thereof shall be given by the clerk to the parties or their counsel, and said exceptions so claimed shall be made up, allowed and filed within said time unless further time is granted by the court or by agreement of the parties. They shall be entered at the next term of the law court held after the filing of such exceptions and there heard unless otherwise agreed, or the law court shall for good cause order a further time for hearing thereon. Upon such hearing the law court may confirm, reverse or modify the decree of the court below or remand the cause for further proceedings as it seems proper. During the pendency of such exceptions the cause shall remain on the docket of the court below, marked "law," and decree shall be entered thereon by a single justice, in term time or in vacation, in accordance with the certificate and opinion of the law court. On payment or tender by said district of the amount so fixed and the performance of all other terms and conditions so imposed by said court, said entire plant, property and franchises shall become vested in said water district and be free from all liens, mortgages and incumbrances theretofore created by the said Madison Water Company or any other company or companies organized or doing business in said district for said purpose, and either party shall be entitled to appropriate process to compel the other to perform the terms and conditions of said decree. All the costs and expenses arising under said petition and appraisal shall be borne and paid by said water district and water company or companies equally. Any vacancy occurring in said board of appraisers shall be filled, in term time or in vacation, by any justice of the supreme judicial court on petition therefor, after notice and hearing.

Existing contracts shall be assumed by Madison Water District.

Property of district exempt from taxation.

Water district may borrow money.

Section 10. All valid contracts now existing between the Madison Water Company and any person or corporations for supplying water within said district shall be assumed and carried out by the Madison Water District.

Section 11. The property of said district shall be exempt from all taxation in the town, towns or municipalities where said water district is located.

Section 12. For accomplishing the purposes of this act, said water district, through its trustees, is authorized to borrow

money temporarily and to issue therefor the interest bearing negotiable notes of the district, and for the purpose of paying or refunding the indebtedness so created, or paying any necessary expenses and liabilities incurred under the provisions of this act, including the expenses incurred in the creation of the district, in acquiring the property and franchises of the said water company or companies, by purchase or otherwise, or in the purchase or acquisition of the property and franchises of said company or companies, of securing sources of supply, taking water and lands, paying damages, laying pipes, constructing, maintaining and operating a water plant, and making renewals, extensions, additions and improvements to the same, the said water district, through its trustees, may from time to time issue bonds of the district to an amount or amounts necessary in the judgment of the trustees therefor. Said notes and bonds shall be legal obligations of the water district, which is hereby declared to be a quasi municipal corporation within the meaning of section ninety-six, chapter forty-seven of the revised statutes, and all the provisions of said section shall be applicable thereto. The said notes and bonds shall be legal investments for savings banks.

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—purposes for which money may be borrowed.

—may issue bonds.

Section 13. All individuals, firms and corporations, whether private, public or municipal, shall pay to the treasurer of said district the rates established by said board of trustees for the water used by them, and said rates shall be uniform within the territory supplied by the district. Said rates shall be so established as to provide revenue for the following purposes:

Board of trustees may establish uniform rates.

I. To pay the running expenses for operating and maintaining the water system and provide for such extensions and renewals as may become necessary.

—to pay running expenses and for extensions.

II. To provide for the payment of the interest on the indebtedness created or assumed by the district.

—to pay interest.

III. To provide each year a sum equal to not less than one-half of one per cent. nor more than five per cent. of the entire indebtedness of the district, which sum shall be turned into a sinking fund providing for the final extinguishment of said indebtedness. The money set aside for the sinking fund shall be devoted to the retirement of the obligations of the district or invested in such securities as savings banks are allowed to hold.

—to provide a sinking fund.

IV. If any surplus remains at the end of any year, it may be divided between the parts of the district accepting this act and so composing the district in the same proportion as each contributed to the gross earnings of the district, and in order that these proportions may be readily determined, the moneys received for water from the two parts of said district shall be en-

—surplus, how divided.

CHAP. 121. tered in separate accounts so that the total amount thereof may be easily ascertained.

Incidental powers granted.

Section 14. All incidental powers, rights and privileges necessary to the accomplishment of the main object herein set forth are hereby granted to the public municipal corporation hereby created.

Act shall take effect when approved by majority vote.

Section 15. This act shall take effect when approved by a majority vote of the legal voters of that portion of said water district comprised by the Madison Village Corporation and by a majority vote of the legal voters of that portion of said water district comprised by that part of the town of Anson hereinbefore designated, at special meetings respectively in said part of said Anson and in Madison Village Corporation, to be held on or before the first Monday of July in the year one thousand nine hundred and fourteen. Said special meetings shall be called respectively by the assessors for the time being of Madison Village Corporation and the selectmen for the time being of the town of Anson, and shall be called, warned and conducted according to law regulating municipal elections, but the selectmen of the town of Anson shall prepare a list of the legal voters residing within the limits of that part of Anson included within said water district as hereinbefore described. The clerk of the Madison Village Corporation and the selectmen of the town of Anson shall reduce the subject matter of this act to the following question: "Shall the act to incorporate the Madison Water District be accepted?" and the voters shall indicate by the written words "Yes" or "No" their opinion of the same. The result of the balloting in each case shall be respectively declared by the assessors of said Madison Village Corporation and the selectmen of the town of Anson and recorded, and certificates thereof shall be filed by the clerk of said Madison Village Corporation and the selectmen of the town of Anson with the secretary of state. All other meetings of said water district and parts thereof shall be called, notified and conducted in the manner hereinbefore provided, or said district and the parts thereof may by vote or by-laws prescribe the manner of calling their respective future meetings. A full and complete record shall be made and preserved of all meetings of said water district and the parts thereof.

—form of question to be submitted to voters.

—full record shall be kept of all meetings.

If voters of Anson section do not accept the act that section of said town shall not be part of district.

Section 16. Should the legal voters of the Anson section of said water district at said special election to be held on or before the first Monday of July, one thousand nine hundred and fourteen, refuse to accept or approve the act incorporating said water district, then that portion of said town of Anson hereinbefore described together with the inhabitants thereof shall not

become a part of said water district; unless a majority of the legal voters of said Anson section shall at some subsequent special meeting, to be called and held in the manner hereinbefore provided on or before the first day of January in the year one thousand nine hundred fifteen vote to accept or approve the act incorporating said water district and to become a part of it. Then in such case said Anson section shall become a part of said water district provided mutual arrangements can be made to that effect with said Madison section, and if this is done, said Anson section shall become a part of said water district to all intents and purposes as provided by this act and entitled to all its rights and privileges, and subject to all its duties and obligations as if it had at the first special election voted to become a part of said water district; but if the Madison Village Corporation section of said water district shall accept or approve said act to incorporate said water district by a majority vote of the legal voters thereof at said special election to be held on or before the first Monday of July in the year one thousand nine hundred fourteen, then the territory within said Madison Village Corporation and the people thereof shall constitute the water district hereby created and as hereinbefore provided.

—may vote later at a special meeting.

Section 17. The annual meetings of said water district and the respective sections thereof shall be held on the first Monday of July in each year after the acceptance of this act for the choice of one or more trustees and such other officers as said water district or sections thereof shall by vote or by-laws determine, and for the transaction of any other business that may legally come before such meetings; special meetings of said water district and of the respective sections thereof shall be called at any time upon written application to the assessors of Madison Village Corporation and the selectmen of Anson respectively by the trustees or ten or more legal voters of said water district or of the respective sections thereof. The written application for such meetings shall contain in separate articles the business to be acted on and no other business shall be transacted at said meeting except such as is contained in the articles of the warrant calling such special meetings. All meetings, except the first, of said water district and of the respective sections thereof may be held jointly or separately as said sections may by vote or by-law determine.

Annual meetings, when held for choice of officers.

Special meetings may be called.

Section 18. Sections two, three, four, five and six shall be inoperative, null and void unless the said water district shall first acquire by purchase or by the exercise of the right of eminent domain, as provided in this act, the plants, properties, franchises, rights and privileges of the Madison Water Company.

Sections 2, 3, 4, 5 and 6 void unless the property of Madison Water Co. be acquired.

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When this act may take effect.

Section 19. This act shall take effect in ninety days after the adjournment of the legislature, so far as it is necessary to empower the calling and holding of the elections authorized in section fifteen herein provided for.

Approved March 18, 1913.

**Chapter 122.**

An Act to Extend the Powers of the Limerick Water and Electric Company.

*Be it enacted by the People of the State of Maine, as follows:*

Powers extended.

The Limerick Water and Electric Company, a corporation created and existing by virtue of chapter one hundred and fifty-nine of the private and special laws of nineteen hundred seven, as amended by chapter one hundred and seventeen of the private and special laws of nineteen hundred nine, is hereby authorized and empowered to exercise and enjoy all of its corporate rights, powers and privileges, in the towns of Parsonsfield and Cornish in the county of York, Porter and Hiram in the county of Oxford and Baldwin in the county of Cumberland, in addition to the towns named in its said act of incorporation and the act amendatory thereof; provided, however, that the said corporation shall not make, sell, distribute or supply gas or electricity in or to any of the said towns wherein any other corporation is engaged in the said business, or is authorized to engage in the business of making, selling, or distributing gas or electricity, without the consent of such other corporation.

—proviso.

Approved March 18, 1913.

**Chapter 123.**

An Act Relating to The Jerguson Manufacturing Company.

*Be it enacted by the People of the State of Maine, as follows:*

Purposes of the corporation extended.

The corporate purposes of The Jerguson Manufacturing Company, a corporation organized under the general laws of the state of Maine, in Kittery, in said state, on July thirtieth, in the year of our Lord nineteen hundred and six, which in the original certificate of organization read as follows, to wit:

“To carry on a foundry and general machine shop,” are hereby amended, so that as amended they shall read as follows:

“To conduct and manage a foundry and general machine shop, with all the business incidental thereto, and to carry on the business of manufacturing and selling engines, boilers, steam